



Environment Committee
Public Hearing of February 25, 2022

House Bill No. 5141 (Raised) - AN ACT CONCERNING THE PROTECTION OF CERTAIN FISH SPECIES.

Thank you for the opportunity to submit testimony on behalf of the **National Audubon Society** through its affiliate state office, Audubon Connecticut. My name is Robert LaFrance and I am Audubon Connecticut's Director of Policy. We appreciate the leadership of the Environment Committee for raising this bill on our behalf.

Audubon Connecticut protects birds and the places they need, today and tomorrow, using science, bipartisan issue advocacy, education, and on-the-ground conservation. Our conservation network extends statewide and includes nearly 32,000 members, five Connecticut chapters, and many partners along the Atlantic Flyway. Audubon's policy work is grounded in—and informed by—science. At Audubon, our core values demand that our work advance justice, equity, diversity, and inclusion.

House Bill No. 5141 (Raised) - AN ACT CONCERNING THE PROTECTION OF CERTAIN FISH SPECIES:

The marine fish species identified the bill (1) Tidewater silverside, (2) Atlantic silverside, (3) sand lance or sand eels, and (4) bay anchovy are Connecticut bait species that are forage.

[NOAA Fisheries](#), also known as the National Marine Fisheries Service, an office of the National Oceanic and Atmospheric Administration within the Department of Commerce defines [forage fish](#) as "small schooling species that serve as prey for larger commercially and recreationally important fish, as well as for marine mammals and sea birds. Anchovies, herring, chub mackerel, and sardines are some common forage fish."

Forage fish are an important part of the marine ecosystem. In recent years, marine fisheries councils like the [New England Fisheries Management Council](#) and the [Mid-Atlantic Fisheries Management Council](#) have recognized the importance of forage fish in fisheries management. In fact, in 2016 the Mid-Atlantic Council established an [Unmanaged Forage Omnibus Amendment](#). And, [Ecosystem-Based Fisheries Management](#) policies are being pursued by the New England Fisheries Management Council. [The Atlantic States Marine Fisheries Commission](#)

also utilized Ecosystem-Based Fisheries Management policies in the management of [Atlantic Menhaden](#) when establishing [ecological reference points](#) for Atlantic Menhaden.

According Dr. Peter J. Auster PhD, SENIOR RESEARCH SCIENTIST, MYSTIC AQUARIUM and RESEARCH PROFESSOR EMERITUS, DEPT. OF MARINE SERVICES – UCONN in his testimony on House Bill No. 5141:

This bill has a goal of preventing development of a large-scale commercial fishery for forage fish species in Long Island Sound. Here, forage fish are a subset of species managed as bait fish in Connecticut and collectively include: tidewater silverside (*Menidia beryllina*), Atlantic silverside (*Menidia menidia*), sand lance (*Ammodytes* spp.), and bay anchovy (*Anchoa mitchilli*).

These species have characteristics that make them critical components of the Long Island Sound ecosystem as well as make them vulnerable to ecological overexploitation. As “forage fish” these species are important links in the food web, linking plankton (their prey) to higher trophic levels serving as prey for larger predatory fish like striped bass, seabirds such as roseate tern, and a wide diversity of other lesser-known species important to the marine wildlife of Long Island Sound. These species play this ecological role throughout their life histories (unlike other species that grow to feed on other larger prey). Most important, these forage species occur in dense schools and aggregations, but are distributed in patches throughout the larger region. Once patches of prey fish are located, predators can reduce the energy needed to search for food. This “search versus feeding” energy trade-off can be the difference between survival and mortality, enhancing growth (the bigger you are the fewer mouths can feed on you), provide more energy to escape predators, and result in higher reproduction. Simply stated, depleting local patches of prey forces predators to spend more time and energy hunting for food. The aggregating behavior of prey, while benefiting predators, also makes these species vulnerable to fishing gear, especially close to shore. Putting a limit on catch of forage species (in the bait fish fishery that uses very small mesh nets) can ensure that local depletion of fish patches is minimized and the ecological role that these forage species play can be sustained along our coast.

House Bill No. 5141 proposes to establish a 200-pound trip limit to prevent the proliferation of an industrial scale bait or reduction fishery on these important nearshore forage species. This limit will continue to accommodate any small-scale commercial bait harvesting activity that may be occurring with beach seines or other similar gear. These types of forage fish trip limits have also been [noticed](#) and [established](#) in Massachusetts, and Rhode Island has also implemented similar limits.

Section 2 of the bill (below) was not part of the proposal we submitted to the Committee and it reads as follows:

... Each such licensed bait dealer may possess and sell only such bait species as shall be authorized under regulations issued by the commissioner, provided live carp and goldfish shall not be possessed for any purpose on premises used by licensed bait dealers and not more than two hundred pounds of any of the following bait species shall be possessed or offered for sale by a licensed bait dealer: (1) Tidewater silverside, (2) Atlantic silverside, (3) sand lance or sand eels, or (4) bay anchovy. ...

We ask request that section 2 be removed from the bill. This section seeks to add a possession limit to licensed bait dealers. This provision will not address the issue of taking these species from the marine environment and it was not our intention to regulate licensed bait dealers in this way.

After the bill was raised by the Committee, the Department of Energy and Environmental Protection (DEEP) suggested a better approach. DEEP suggested that rather than amending section 26-142a of the general statutes the bill amend section 26-127 of the general statutes entitled "Conservation of bait species." We agree with this approach and request that the Committee follow this recommendation.

Here is suggested Joint Favorable Substitute language for the bill that we offer for the Committee's consideration:

AN ACT CONCERNING THE PROTECTION OF CERTAIN FISH SPECIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 26-127 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2022*):

(a) Any person who transports out of this state any bait species taken from any of the waters of this state or who takes, assists in taking or attempts to take any bait species from any such waters for the purpose of transporting the same out of the state shall be guilty of a class D misdemeanor; but no provision of this section shall prevent the exportation of bait species propagated and grown in private waters registered with the commissioner as such or in licensed commercial hatcheries.

(b) Any person who while on the waters of this state or any parcel of land, structure, or portion of a roadway abutting the waters of this state possesses or lands more than two hundred pounds of any one the following species: (1)

Tidewater silverside, (2) Atlantic silverside, (3) sand lance or sand eels, or (4) bay anchovy shall be guilty of a class D misdemeanor.

In closing, the National Audubon Society relies upon the enormous generosity of our members and donors to keep our mission going. As a 501(c) not for profit entity the National Audubon Society manages many properties in Connecticut. We make these properties available to the public so that both residents and visitors alike can enjoy birds and an open space experience. These are Connecticut eco-tourism experiences where we provide natural resource and conservation education. The link below provides additional information about our centers, sanctuaries, properties and programs.<http://ct.audubon.org/about-us/centers-sancturies-and-chapters>

Thank you for the opportunity to present testimony on this proposal. Should you have any questions, please contact Robert LaFrance, Director of Policy, Audubon Connecticut, National Audubon Society, at Robert.LaFrance@Audubon.org (Cell 203.668.668)

